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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-----------------------|------------------|
| 10/804,488 | 03/19/2004 | Jeffrey L. Tonges | 2003-0808.00/4670-261 | 7635 |

7590 03/06/2006

LEXMARK INTERNATIONAL, INC.
ATT: JOHN J. McARDLE, JR.
740 WEST NEW CIRCLE ROAD
LEXINGTON, KY 40550

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| EXAMINER |
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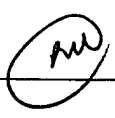
WALSH, RYAN D

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| ART UNIT | PAPER NUMBER |
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2852

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--|--|
| Office Action Summary | Application No. 10/804,488 | Applicant(s) TONGES ET AL.  | |
| | Examiner Ryan D. Walsh | Art Unit 2852 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 19-27 and 34-38 is/are allowed.
- 6) ☒ Claim(s) 14-16, 18, 28-30, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 17 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/1/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Page 6, Ln. 9, the "cleaner units 50" is mis-numbered.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-16, 18, 28-30 and 32-33 rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US Pat. # 4,634,264).

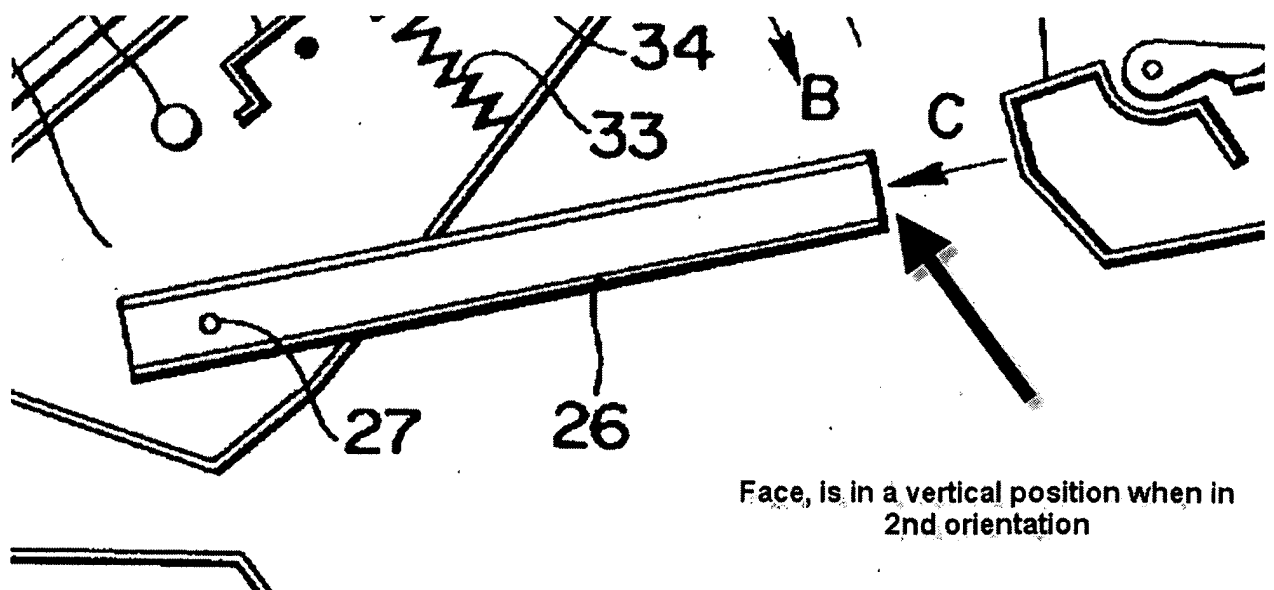
Regarding claim 14, Takahashi teaches, "An image forming device comprising: a body (1); a developer member (10) positioned within the body; a first frame (22) having a first end (Fig. 2, near ref.# 22) and a second end (Fig. 2, near ref.# 21); a first pivot (24) adjacent to the first end that connects the first frame to the body, the first frame being relatively positionable between a first orientation with the second end distanced from the body (open, as shown in Fig. 2), and a second orientation with the second end in proximity to the body (closed, as shown in Fig. 1); a second frame (26, 29 and 6 in combination) having a photoconductive member; and a second pivot (27) that connects the second frame to the first frame and causing the second frame to pivot separately

from the first frame and positioning the photoconductive member in contact with the developer roll when the first frame is in the second orientation.”

Regarding claim 15, Takahashi teaches, “wherein the second end contacts the body in the second orientation (22 contacts 23 when in 2nd orientation).”

Regarding claim 16, Takahashi teaches, “wherein the first pivot is located vertically below the second pivot when the first frame is in the second orientation (24 is vertically below 27 when in 2nd orientation).”

Regarding claim 18, Takahashi teaches, “wherein the second frame comprises a face opposite from a connection with the second pivot, the face being substantially vertical in the second orientation (part of 26 ‘face’ is vertical in Fig. 1 when in 2nd orientation, see below).”



Regarding claim 28, Takahashi teaches, “A method of moving a door assembly on an image forming device, the method comprising the steps of: positioning a

developer member (10) in a body (1); attaching a photoconductive member (6) to a second frame (26 & 29); moving a door assembly (22 Combined with its parts) with a first movement type (Fig. 2, moving towards closed position) from an open orientation to an intermediate orientation, the door assembly comprising a first frame (22) and the second frame (26, 29 and 6 in combination); contacting the second frame (26, 29 and 6 in combination) contact 10, which is part of the body) against the body (1) as the door assembly moves to the intermediate orientation; and moving the door assembly to a closed orientation (26, 29 and 6 in combination are touching 23 in closed orientation) with the first frame moving with a first movement type and the second frame moving in a second movement type different from the first movement type (each frame moves on it's own pivot, therefore each having different movement types)."

Regarding claim 29, Takahashi teaches, "further comprising moving the first frame and the second frame about a first pivot between the open orientation and the intermediate orientation (Each frame moves on it's own pivot, therefore when moving along first pivot 24, both frames are moving)."

Regarding claim 30, Takahashi teaches, "further comprising moving the first frame about the first pivot between the intermediate orientation and the closed orientation (Each frame moves on it's own pivot, therefore when moving along first pivot 24, both frames are moving)."

Regarding claim 32, Takahashi teaches, "further comprising moving a distal point on a face of the second frame a same travel distance as a proximal point on the face of

the second frame (when frame moves along pivot, both the distal and proximal points will travel the same distance, since the pivot is a fixed position)."

Regarding claim 33, Takahashi teaches, "further comprising dampening the movement of second frame relative to the first frame when moving between the intermediate orientation and the closed orientation (33 & 34 dampens movement when closing frames)."

Allowable Subject Matter

Claims 1-13, 19-27 and 34-38 are allowed.

Claims 17 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art does not teach or suggest the claimed, "second frame further having an alignment edge; and a contour surface within the body having a length greater than the alignment edge, the contour surface being contacted by the alignment edge as the first frame moves from the open orientation to the closed orientation to align the photoconductive member relative to the developer member."

Regarding claim 17, the prior art does not teach or suggest the claimed, "second photoconductive member mounted towards a second end of the second frame proximate to the first pivot, with the photoconductive member and the second

photoconductive member being vertically aligned when the first frame is in the second orientation.”

Regarding claim 19, the prior art does not teach or suggest the claimed, “contour surface being contacted by the alignment edge as the first frame moves from the open orientation to the closed orientation and having a curved shape equal to a radius formed by a line with a length equal to a distance between the first pivot and the second pivot.”

Regarding claim 20, the prior art does not teach or suggest the claimed, “the first frame being relatively positionable between a first orientation with the alignment edge distanced from the contour surface and the second frame positioned relative to the first pivot, and a second orientation with the alignment edge in contact with the contour surface and the second frame positioned relative to the body.”

Regarding claim 22, the prior art does not teach or suggest the claimed, “contacting the second frame with a contour surface in the body as the door assembly moves from the intermediate orientation to a closed orientation; and moving the door assembly from the intermediate orientation to the closed orientation and moving the first frame in the first travel path defined by the first pivot and moving the second frame in a second travel path defined by the contour surface.”

Regarding claim 31, the prior art does not teach or suggest the claimed, “vertically positioning a face of the second frame during movement between the intermediate orientation and the closed orientation.”

Regarding claim 34, the prior art does not teach or suggest the claimed, “contacting a contact point on the second frame with a contour surface on the main

body at the second orientation; moving the door assembly from the second orientation to a third orientation and sliding the contact point along the contour surface.”

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Yokoi (US Pat. # 6,973,279), Sakamoto (US Pat. # 5,260,743), Fujino et al. (US Pat. # 4,888,620) and Abe et al. (US Pat. # 6,799,011), each cited for their similar structure to the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan D. Walsh

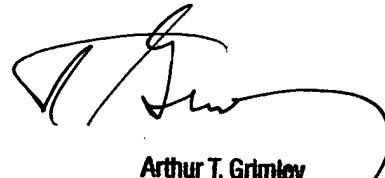
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Patent Examiner

Art Unit 2852



Arthur T. Grimley
Supervisory Patent Examiner
Technology Center 2800